

HECA Response to QQI White Paper “Procedures and Criteria Relating to Delegation of Authority”

October 2016

The White Paper was widely circulated, reviewed and discussed at individual member college level and collectively within HECA. A working group was formed to compile a response and the response was subsequently considered by the HECA Board. The following submission represents the collective response to the White Paper from HECA. Individual member colleges will make separate submissions where they choose to do so.

It is felt that the White Paper as presented is significantly more challenging to digest, interpret and navigate than previous such documents coming out of QQI. This was less of a challenge for those familiar with the Act and other associated policies but the need to frequently refer to alternative documents in order to make sense of the White Paper was noted by a number of parties. Whilst recognising the complexity of the matter under consultation, facilitating effective engagement for all stakeholders is something that can only be of benefit for consultation activity as well as policy implementation.

Perhaps the most significant point of note for HECA members is the reference on Page 9 to the requirement for regulations in section 52(8) having to be made before requests from providers referred to in section 52(2)(e) can be accepted. Without the full detail of these regulations being available it is not yet possible to determine whether Delegated Authority (DA) will be accessible to members. HECA would welcome clarification on a timeline for this. Furthermore, information on what parties and what information will inform the creation of these regulations is of particular interest. HECA welcomed the potential within the Act for non-statutory providers to apply for DA and this White Paper builds upon that further. However, without these regulations in place DA remains inaccessible to our members.

In respect of potential DA for transnational provision, HECA would welcome further clarification on the process and timelines relating to the approval of any additional country specific modules.

The inclusion of the entitlement of QQI to exercise discretion in requiring additional independent evaluations into matters such as financial stability is understood. HECA recognises the need for QQI to be able to apply this discretion, and understands the challenge that prescribing when such discretion would be exercised could present. Notwithstanding this, transparency re when such discretion might be applied would provide greater assurance of parity of process and equity of access to DA for both statutory and non-statutory providers.

There is frequent reference throughout the document to the independence of evaluators. It is recommended this is further supported with reference to the competence of evaluators and indicators of what deems an evaluator competent. Under 6.1 it states “Typically evaluation groups will have expertise in the operation and management of providers with awarding authority comparable to that sought...” Assurance is invited on how this approach will ensure fair representation and appreciation of the unique aspects of independent and private higher education providers.

The criteria as presented are generally as would be expected. Clarification is sought on whether any or what weightings apply.

There is some concern that the requirements in some areas, such as student support requirements in respect of clubs and societies, health care etc., may present a challenge for smaller or niche

providers or indeed those with solely part time provision. HECA would encourage reconsideration of any factors that may indirectly prevent access to DA.

Terminology was raised at a number of stages throughout the consultation discussions. Use of terms such as adequate is very open and doesn't give a full sense of expectation and requirements as the actual implementation may be substantially different to what is understood from the current document.

Throughout the White Paper is reference to the evaluation process as well as variances to this where it is deemed necessary, at QQI discretion, or in response to further additions. HECA is concerned that QQI may not have the resource capacity to undertake this potential scale of activity and to do so in a timely manner.

HECA welcomed this White Paper and thanks QQI for the opportunity to engage in consultation in respect of access to delegated authority. Any further developments that will open access to DA for non-statutory providers is actively encouraged by our members.